

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
MARTINSBURG**

ERIC MICHAEL TURNER,

Petitioner,

v.

**Civil Action No. 3:06-CV-52
(Judge Bailey)**

UNITED STATES OF AMERICA,

Defendant.

ORDER

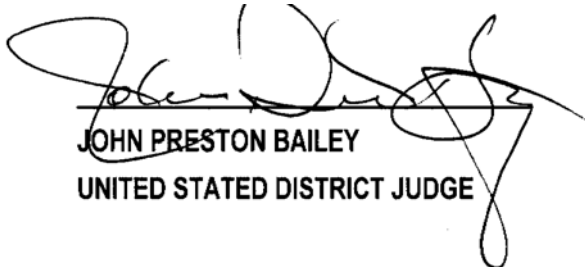
On this day, the above-styled matter came before the Court for consideration of the petitioner's Motion to Withdraw Motion to Vacate, Set Aside or Correct Sentence [Doc. No. 8], filed on December 26, 2007, and the Report and Recommendation of United States Magistrate Judge James E. Seibert [Doc. No. 7] dated November 19, 2007. After reviewing the Report and Recommendation, petitioner states that he believes the Magistrate's findings are in accordance with the applicable law. Petitioner then moved to withdraw his Motion [Doc. No. 1].

After careful review of the above, the Court hereby **GRANTS** petitioner's Motion with Withdraw Motion to Vacate, Set Aside or Correct Sentence [Doc. No. 1] and **ORDERS** that this case be **DISMISSED** from the docket.

It is so **ORDERED**.

The Clerk is directed to transmit true copies of this Order to all counsel of record and the pro se petitioner.

DATED: January 23, 2008.


JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

